

Proposed Rule
LSA Document #17-449

DIGEST

Amends [370 IAC 1-3-2](#) to change the expiration date on Grade A eggs from 30 days to 45 days and add "SELL BY", "BEST BY", and "USE BY" as terms that may be used as synonymous to "EXP". Adds [370 IAC 1-3-3.1](#) to require all eggs sold at retail to be packaged in new consumer containers and exempt sales to the end consumer at a farmers market from the requirement to use new consumer containers. *NOTE: LSA Document #17-449, posted at [20180110-IR-370170449PRA](#), was resubmitted for publication.* Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[370 IAC 1-3-2](#); [370 IAC 1-3-3.1](#)

SECTION 1. [370 IAC 1-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[370 IAC 1-3-2](#) Consumer packages; date requirements

Authority: [IC 16-42-11-5](#)

Affected: [IC 16-42-11-5](#)

Sec. 2. All eggs offered for sale in consumer packages (cases, boxes, baskets, or containers):

- (1) shall be legibly dated (month and day or consecutive day of the year) the day the eggs were packed; **and**
- (2) shall bear **in distinctly legible form** an expiration date, ~~of not more than thirty (30) days from date of pack, excluding date of pack; and~~
- (3) may contain a "BEST BY", "BEST IF USED BY", or "USE BY" date in addition to the expiration date, which shall not exceed forty-five (45) days from the date of pack, excluding the date of pack. **which shall be stated as the month and day, for example, April 3 or 4-3, preceded by the letters "EXP" or one (1) of the following: "SELL BY", "BEST BY", or "USE BY".**

The expiration date shall not exceed forty-five (45) days from the date of pack, excluding the date of pack.

Shell eggs labeled AA shall bear ~~in distinctly legible form~~ an expiration date of not more than fifteen (15) days from date of pack, excluding date of pack. ~~The expiration date shall be stated as the month and day, for example, April 3 or 4-3, preceded by the letters "EXP" or "SELL BY".~~ Quality is best if sold by the expiration date.

(State Egg Board; Reg 3, Title I, Sec 2; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 83; filed Nov 23, 1981, 9:30 a.m.: 5 IR 33, eff Jan 1, 1982; filed Feb 13, 1985, 1:57 p.m.: 8 IR 794; filed Feb 3, 1987, 2:00 p.m.: 10 IR 1225; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1776; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1543; readopted filed Sep 2, 2009, 11:37 a.m.: [20090930-IR-370090393RFA](#); filed Aug 27, 2010, 12:08 p.m.: [20100922-IR-370090808FRA](#); readopted filed Aug 21, 2015, 10:57 a.m.: [20150916-IR-370150168RFA](#))

SECTION 2. [370 IAC 1-3-3.1](#) IS ADDED TO READ AS FOLLOWS:

[370 IAC 1-3-3.1](#) Consumer packages; packaging materials

Authority: [IC 16-42-11-5](#)

Affected: [IC 16-42-11-5](#)

Sec. 3.1. (a) All eggs offered for sale at retail shall be packaged in new consumer containers.

(b) Farmers market retail sales directly to the end consumer will be exempt from the requirement to utilize new consumer containers.

(State Egg Board; [370 IAC 1-3-3.1](#))

[Notice of Public Hearing](#)

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